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CITY OF BELLEVUE, WASHINGTON

ORDINANCE NO. 4322

AN ORDINANCE regarding harassment; providing that harassment is a gross misdemeanor; and adding a new Chapter 10A.38 to the Bellevue City Code.

WHEREAS, the City Council finds that the prevention of serious, personal harassment is an important government objective; and

WHEREAS, the City Council further finds that the protection of such persons from harassment can be accomplished without infringing on constitutionally protected speech or activity; now, therefore,

THE CITY COUNCIL OF THE CITY OF BELLEVUE, WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. A new Chapter 10A.38 is added to the Bellevue City Code, to provide as follows:

Chapter 10A.38
HARASSMENT

10A.38.010 Definition -- Penalties.

(1) A person is guilty of harassment if:

(a) Without lawful authority, the person knowingly threatens:

(i) To cause bodily injury in the future to the person threatened or to any other person; or

(ii) To cause physical damage to the property of a person other than the actor; or

(iii) To subject the person threatened or any other person to physical confinement or restraint; or

(iv) Maliciously to do any other act which is intended to substantially harm the person threatened or another with respect to his or her physical or mental health or safety; and

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(b) The person by words or conduct places the person threatened in reasonable fear that the threat will be carried out.

(2) A person who harasses another is guilty of a gross misdemeanor.

(3) The penalties provided in this section for harassment do not preclude the victim from seeking any other remedy otherwise available under law.

10A.38.020 Place where committed. Any harassment offense committed as set forth in Bellevue City Code 10A.32.010 may be deemed to have been committed where the conduct occurred or at the place from which the threat or threats were made or at the place where the threats were received.

10A.38.030 Court-ordered requirements upon person charged with crime -- Violation.

(1) Because of the likelihood of repeated harassment directed at those who have been victims of harassment in the past, when any defendant charged with a crime involving harassment is released from custody before trial on bail or personal recognizance, the court authorizing the release may require that the defendant:

(a) Stay away from the home, school, business, or place of employment of the victim or victims of the alleged offense or other location, as shall be specifically named by the court in the order;

(b) Refrain from contacting, intimidating, threatening, or otherwise interfering with the victim or victims of the alleged offense and such other persons, including but not limited to members of the family or household of the victim, as shall be specifically named by the court in the order.

(2) The written order releasing the defendant shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under Bellevue City Code Chapter 10A.38 and RCW Chapter 9A.46. A certified copy of the order shall be provided to the victim by the clerk of the court.

10A.38.040 Arraignment -- No contact order. A defendant who is charged by citation, complaint, or information with an offense involving harassment and not arrested shall appear in court for arraignment in person as soon as practicable, but in no event later than fourteen days after the next day on which court is in session following the issuance of the citation or the filing of the complaint or information. At that

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appearance, the court shall determine the necessity of imposing a no-contact or no-harassment order or other conditions of pretrial release according to the procedures established by court rule for preliminary appearance of an arraignment.

10A.38.050 Enforcement of orders restricting contact. Any law enforcement agency in this state may enforce this chapter as it relates to orders restricting the defendant's ability to have contact with the victim or others.

10A.38.060 Order restricting contact -- Violation. The victim shall be informed by local law enforcement agencies or the prosecuting attorney of the final disposition of the case in which the victim is involved. If a defendant is found guilty of a crime of harassment and a condition of the sentence restricts the defendant's ability to have contact with the victim or witnesses, the condition shall be recorded and a written certified copy of that order shall be provided to the victim or witnesses by the clerk of the court. The written order shall contain the court's directives and shall bear the legend: Violation of this order is a criminal offense under Bellevue City Code Chapter 10A.38 and RCW 9A.46, and will subject a violator to arrest.

10A.38.070 Nonliability of peace officer. A peace officer shall not be liable in any civil action for an arrest based on probable cause, enforcement in good faith of a court order, or any other action or omission in good faith under this chapter arising from an alleged incident of harassment brought by any party to the incident.

10A.38.080 Violation of Court Order. The willful violation of a court order issued under Bellevue City Code 10A.38.030 or 10A.38.060 is a misdemeanor.

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Section 2. This ordinance shall take effect and be in force thirty (30) days after final passage by the City Council.


PASSED by the City Council this 6th day of January, 1992, and signed in authentication of its passage this 6th day of January, 1992.

(SEAL)

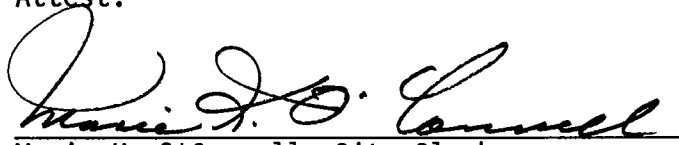

Mayor

Approved as to form:

Richard L. Andrews, City Attorney


Richard L. Andrews, City Attorney

Attest:


Marie K. O'Connell, City Clerk

Published January 10, 1992